

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

OP.No. 16252 of 1997(I)

PETITIONER:

1.C.RADHAMONI, PLATE MAKER, I.P.P.PRESS,
KERALA HEALTH RESEARCH & WELFARE SOCIETY,
GENERAL HOSPITAL CAMPUS,
RED CROSS ROAD, THIRUVANANTHAPURAM 695 037.

2.S.USHA KUMARY, PLATE MAKER, I.P.P. PRESS,
KERALA HEALTH RESEARCH & WELFARE SOCIETY,
GENERAL HOSPITAL CAMPUS,
RED CROSS ROAD, THIRUVANANTHAPURAM 695 037.

3.S.HARIKUMAR, ASSISTANT PLATE MAKER, I.P.P.PRESS,
KERALA HEALTH RESEARCH & WELFARE SOCIETY,
GENERAL HOSPITAL CAMPUS,
RED CROSS ROAD, THIRUVANANTHAPURAM 695 037.

BY ADV. SRI.B.RAGUNATHAN

SRI.S.BALAN PILLAI

RESPONDENTS:

1.STATE OF KERALA, REP. BY THE CHIEF SECRETARY TO
GOVERNMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM 695 001.

2.KERALA HEALTH RESEARCH AND WELFARE SOCIETY,
REP. BY THE MANAGING DIRECTOR,
KERALA HEALTH RESEARCH & WELFARE SOCIETY,
GENERAL HOSPITAL CAMPUS,
RED CROSS ROAD, THIRUVANANTHAPURAM 695 037.

3.ASSISTANT DIRECTOR, I.P.P. OFFSET PRESS,
GENERAL HOSPITAL CAMPUS, RED CROSS ROAD,
THIRUVANANTHAPURAM 695 037.

BY GOVT.PLEADER SRI.K.V.MANOJKUMAR.

SRI.M.V.BOSE

SRI.BABU JOSEPH KURUVATHAZHA, SC.KHRWS

SRI.ASOK M.CHERIAN,SC,KERALA HEALTH RES

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON C.M.P.NO.29101/97 IN O.P.NO.16252/97

DISMISSED

16.11.2007.

SD/- KURIAN JOSEPH, JUDGE.

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF ORDER NO.E1/1582/86/KHRWS DT. 5.8.1986 OF THE SECOND RESPONDENT.

EXT.P2 : TRUE COPY OF OFFICE ORDER NO.A4-1760/KHRWS DT. 21.4.88 OF THE 2ND RESPONDENT.

EXT.P3 : TRUE COPY OF THE ORDER NO.E-1582/86/KHRWS DT. 9..4..90 OF THE 2ND RESPONDENT.

EXT.P4 : TRUE COPY OF ORDER NO.E1-1582/86/KHRWS DT. 20.5.1995 OF THE 2ND RESPONDENT.

EXT.P5 : TRUE COPY OF ORDER NO.E4-1582/86/KHRWS DT. 20.3.1996 OF THE 2ND RESPONDENT.

EXT.P6 TRUE COPY OF ORDER NO.E4-1582/86/KHRWS DT. 26.3.96 OF THE 2ND RESPONDENT.

EXT.P7 TRUE COPY OF ORDER NO.E4-1667/96/KHRWS DT. 6.6.96 OF THE 2ND RESPONDENT.

EXT.P8 TRUE COPY OF ORDER NO.E4-1582/86/KHRWS DT. 25.7.97 OF THE 2ND RESPONDENT.

EXT.P9 TRUE COPY OF THE JUDGMENT DT. 20.3.1997 IN O.P.NO.5108/1995 OF THIS HONOURABLE COURT.

EXT.P10 TRUE COPY OF GO(MS) NO.37/82/HD DT. 26.2.1982.

KURIAN JOSEPH, J.

O.P.No.16252 of 1997

Dated this the 16th day of November, 2007

JUDGMENT

Petitioners are aggrieved since the benefits granted to them as per Ext.P4 had been taken away by Ext.P8. As rightly pointed out by the learned Standing Counsel, the scale of pay as granted by Ext.P4 was only provisional and subject to ratification by the governing body of the second respondent Society. It appears the second respondent governing body met and decided not to grant the benefits as conferred by Ext.P4. Admittedly such a decision was taken since according to the governing body many of the employees were not qualified to the post. As per Ext.P10 the petitioners are qualified for the post of Plate Maker. It is pointed out that in the case of a similarly situated person, who in fact had only lesser qualifications, the benefits had been granted pursuant to directions issued by this court in the judgment in O.P.No.20864/1998. If that be so, there is no point in discriminating the petitioners. Petitioners may file an appropriate representation before the second respondent within a period of

one month from today in which event the second respondent will consider the representation with notice to the petitioners and in case the petitioners are similarly situated and qualified, the benefits extended to the writ petitioner referred to above will be extended to the petitioners herein also. The needful shall be done within a period of three months from the date of receipt of a copy of the judgment. The interim order will continue till such time. Needless to say that the petitioners will also be granted consequential benefits, if any, available to them depending on the orders thus passed by the second respondent.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.No. 16252 of 1997

JUDGMENT

16th November, 2007